

MARK E. SEITELMAN

LAW OFFICES, P.C.

TRINITY BUILDING

111 BROADWAY, 9<sup>TH</sup> FLOOR

NEW YORK, NY 10006

212 962-2626

FAX: 212 962-5050

LETTERS@SEITELMAN.COM

LEGAL ASSISTANTS  
MELODY M. SORRENTINO  
ELINA ZHURAVLEVA  
NATALYA GYADUKYAN  
LISA VOLPE  
SHERRY HECKSTALL  
MONTFORT AMERIS, JR.

MARK E. SEITELMAN  
MICHAEL GOLDFARB  
MIRSADE BAJRAKTAREVIC  
DONALD D. CASALE  
PATRICK A. LYONS  
NICHOLAS A. CHIVILY  
IRINA ROLLER  
GARY S. SMOKE  
OF COUNSEL  
MINNA S. MONTE  
ADMINISTRATOR

February 1, 2008

(via ECF)

Honorable Frank Maas  
United States Magistrate Judge  
Room 740  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: Chatie Graham v. J.B. Hunt Transport. et. al  
SDNY Docket #: 07-CV-11446 (RMB) (FM)  
Our File No. 06-0376

Dear Judge Mass:

This office represents the above plaintiff, Chatie Graham, in this diversity action which had been removed from Supreme Court, Orange County.

The parties have been directed to file submissions on the issue of the amount in controversy. Defendants have on this date faxed to us their submission dated January 29, 2008.

To the extent that defendants allege that the amount in controversy exceeds the requisite jurisdictional amount of \$75,000.00, we are in accord.

Firstly, for the reasons set forth in the letter brief of Robert A. Fitch, Esq., plaintiff's claims should be considered cumulatively, so that the stated property claim in the sum of \$25,000.00, renders the requisite claim for the personal injury count to be in excess of only \$50,000.00 in order to meet the jurisdictional requirement of \$75,000 in the claims' totality. We submit that the personal injury claim does exceed the value of \$50,000.00, again for the reasons ably set forth by the defendants in their letter brief, in particular noting that plaintiff sustained a torn rotator cuff with surgery.

Furthermore, plaintiff's settlement demand at the recent conference was made in good faith and represents our view of a rea-

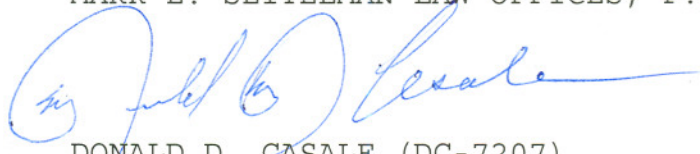
MARK E. SEITELMAN

LAW OFFICES, P.C.

sonable settlement value of this case. Even if that amount were reduced in half, the reduced amount would still exceed the requisite \$75,000.00 amount.

Therefore, while we were not ourselves inclined to commence this action in Federal Court, we cannot say that the amount in controversy is less than the jurisdictional requirements for a diversity action.

Respectfully yours,  
MARK E. SEITELMAN LAW OFFICES, P.C.



DONALD D. CASALE (DC-7207)

MB:ddc  
encs.

cc: Robert A. Fitch, Esq.  
Newman Fitch Altheim Myers, P.C.  
14 Wall Street, 22nd Floor  
New York, NY 10005-2101  
By mail & fax: 212-619-4350